

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:22-CV-593-RJC-DCK**

| | | |
|--|---|---------------------|
| PIEDMONT ROOFING SERVICES, LLC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | <u>ORDER</u> |
| |) | |
| LIBERTY MUTUAL INSURANCE, |) | |
| |) | |
| Defendant. |) | |
| |) | |

THIS MATTER IS BEFORE THE COURT on “Defendant’s Motion And Memorandum To Dismiss Plaintiff’s Complaint” (Document No. 5) filed November 4, 2022. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate.

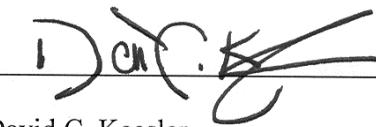
The undersigned has reviewed the parties’ briefs and conducted some initial research on the issues presented. In the course of that research, the undersigned has found that Plaintiff has recently filed at least three (3) similar lawsuits that have *all* been subsequently dismissed. See Piedmont Roofing Services, LLC v. Massachusetts Bay Ins. Co., 2022 WL 19000945 (M.D.N.C. Dec. 16, 2022); Piedmont Roofing Services, LLC v. Nationwide Mutual Ins. Co., 5:22-CV-145-KDB-DSC, 2023 WL 196460 (W.D.N.C. Jan. 17, 2023) adopting in part 2023 WL 366033 (W.D.N.C. Jan. 10, 2023); and Piedmont Roofing Services, LLC v. Universal Prop. & Casualty Ins. Co., 5:22-CV-154-KDB-DSC, 2023 WL 196461 (W.D.N.C. Jan. 17, 2023) adopting in part 2023 WL 366035 (W.D.N.C. Jan. 10, 2023).

The undersigned is surprised that neither side in this case has filed a Notice of Supplemental Authority regarding the foregoing decisions. It appears that the above-cited cases address very similar, if not identical, issues.

IT IS, THEREFORE, ORDERED that counsel for the parties shall promptly confer in a good faith attempt to resolve this action without further Court intervention. If the parties are unable to reach an agreement on the disposition of this case, each side shall file a supplemental brief of **five (5) pages or less**, addressing the applicability of the above-cited cases to this action, on or before **July 14, 2023**.

SO ORDERED.

Signed: July 5, 2023



David C. Keesler
United States Magistrate Judge
